

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

RICHARD JOSEPH WHITBURN,)
Petitioner)
vs.) No. CIV-08-1311-C
H. A. LEDEZMA, Warden,)
Respondent)

ORDER OF DISMISSAL

This action for habeas corpus relief brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Doyle W. Argo consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Argo entered a Report and Recommendation on December 16, 2008, to which Petitioner has timely objected. The Court therefore considers the matter de novo.

The facts and law are accurately set out in the Magistrate Judge's Report and Recommendation and there is no purpose to be served in repeating them yet again. There is nothing asserted by the Petitioner which was not fully considered and correctly rejected by the Magistrate Judge, and no argument of fact or law is set forth in the objection which would require or permit a different result.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge, and for the reasons announced therein, dismisses this petition for habeas corpus relief. A judgment will enter accordingly.

IT IS SO ORDERED this 15th day of January, 2009.



ROBIN J. CAUTHRON
United States District Judge